

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 21, 2004 (Paper No. 16). Upon entry of this response, claims 1-32 are pending in the application. In this response, claims 1, 4-5, 9, 12, 15, 18, 23, 28-39 and 31 have been amended. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. **Rejection of Claims 1-32 under 35 U.S.C. §103**

Claims 1-32 have been rejected under §103(a) as allegedly obvious over *Fijolek et al.* (U.S. 6,510,162) in view of *Maeshima et al.* (U.S. 6,092,113). Applicant respectfully submits that the rejection of claims 1-32 has been overcome by the claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); In re Keller, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).*

a. **Claims 1, 9, 12, and 18**

Applicant respectfully submits that claims 1, 9, 12, and 18, as amended, are allowable for at least the reason that the proposed combination of *Fijolek et al.* in view of *Maeshima et al.* does not disclose, teach, or suggest at least the feature of "communicating to the external network a group of IP addresses associated with the server," as recited in amended claims 1, 9, 12, and 18.

Fijolek et al. appears to disclose a server 25, an external network 28 connected to headend 26, and a cable modem 16 connected to the headend 26 through cable network 14.

Although *Fijolek et al.* discusses the communications between headend 26 and cable modem 16 in some detail, *Fijolek et al.* does not discuss communications between server 25 and external network 28. Thus, *Fijolek et al.* fails to disclose, teach, or suggest “communicating to the external network a group of IP addresses associated with the server.”

Maeshima et al. appears to disclose a method for constructing an IP tunnel between two routers. A packet traverses the IP tunnel by adding to the packet an IP header containing the IP address of the tunnel start (router 300A) and of the tunnel end (router 300B). Even assuming, *arguendo*, that the tunnel end corresponds to the claimed “server,” and the tunnel start corresponds to the claimed “external network,” then *Maeshima et al.* teaches at most communicating to the external network (tunnel start) a single IP address of the server (tunnel end). In contrast, Applicant’s claimed invention, as defined by claims 1, 9, 12, and 18, communicates a “group of IP addresses associated with the server.”

Accordingly, the proposed combination of *Fijolek et al.* in view of *Maeshima et al.* does not teach at least the claimed limitations of “communicating to the external network a group of IP addresses associated with the server” as recited in claims 1, 9, 12, and 18. Therefore, Applicant respectfully submits that amended claims 1, 9, 12, and 18 overcome the rejection, and the rejection should be withdrawn.

b. Claim 21

Applicant respectfully submits that claim 21 is allowable for at least the reason that the proposed combination of *Fijolek et al.* in view of *Maeshima et al.* does not disclose, teach, or suggest at least the feature of “establishing a subnet connection to the external network...the subnet connection identifying at least one Internet Protocol address that will be used between the external network and the headend.”

The Office Action admits that *Fijolek et al.* does not explicitly teach establishing a subnet connection. (Office Action, p. 18). *Maeshima et al.* also fails to teach, suggest or disclose at least “establishing a subnet connection to the external network...the subnet connection identifying at least one Internet Protocol address that will be used between the external network and the headend.” *Maeshima et al.* appears to disclose a method for constructing an IP tunnel between two routers. Applicant will assume, *arguendo*, that IP tunnel corresponds to the claimed “subnet connection,” and further that the tunnel end corresponds to the claimed “server,” and the tunnel start corresponds to the claimed “external network.” Even so, this IP tunnel is defined by the IP address of the tunnel start and the tunnel end. The IP tunnel is not associated with the address of the original source (LAN 200A) or the address of the final destination (LAN 200B). In contrast, Applicant’s claimed invention, as defined by claim 21, identifies “at least one Internet Protocol address that will be used between the external network and the headend.”

Since the proposed combination of *Fijolek et al.* in view of *Maeshima et al.* does not teach at least the above-described features recited in claim 21, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 21 is not obvious under the proposed combination of *Fijolek et al.* in view of *Maeshima et al.*, and the rejection should be withdrawn.

c. Claims 2-8, 10, 11, 13-17, 19, 20, and 22-32

Since claims 1, 9, 12, 18, and 21 are allowable, Applicant respectfully submits that claims 2-8, 10, 11, 13-17, 19, 20, and 22-32 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2-8, 10, 11, 13-17, 19, 20, and 22-32 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-32 be allowed to issue. Although some dependent claim rejections and some obviousness rejections are explicitly addressed above, the omission of arguments for other claims is not intended to be construed as an implied admission that Applicant agrees with the rejection or finding of obviousness for the respective claim or claims. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By: 

Daniel R. McClure, Reg. No.: 38,962

100 Galleria Parkway, NW
Suite 1750
Atlanta, Georgia 30339-5948
Tel: (770) 933-9500
Fax: (770) 951-0933